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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1256-00923
 First Inventor Hector F. DeLuca
 Title Us of 2-Methyl-19-Nor-20(S)-1Alpha,25-Dihydroxyvitamin D3 to Increase Bone Strength
 Express Mail Label No. EV342894546US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 20]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. ☒ Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
 Box Patent Application
 Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/616,164

Prior application information:

Examiner: San Ming R. Hui

Group Art Unit: 1617

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 26753 (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name	Thomas M. Wozny				
Address	Andrus, Scales, Starke & Sawall, LLP				
	100 East Wisconsin Avenue, Suite 1100				
City	Milwaukee	State	WI	Zip Code	53202-4178
Country	USA	Telephone	(414) 271-7590	Fax	(414) 271-5770

Name (Print/Type)	Thomas M. Wozny	Registration No. (Attorney/Agent)	28,922
Signature	<i>Thomas M. Wozny</i>	Date	09/29/2003

22388 U.S. PTO

10/673629

09/29/03

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 375.00

Complete if Known

Application Number

Filing Date

First Named Inventor

Hector F. DeLuca

Examiner Name

Art Unit

Attorney Docket No.

1256-00923

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

01.2000

Andrus, Sceales, Starke & Sawall, LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	\$375
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 375.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent Claims	5	-20** =	0	X		-0-
Multiple Dependent	2	-3** =	0	X		-0-

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility Issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant Issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)

Thomas M. Vozny

Registration No.

28,922

(Complete if applicable)

Telephone 414-271-7590

Signature

Date

09/29/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Divisional Application of:	) <u>CERTIFICATE OF EXPRESS MAILING</u>
Hector F. DeLuca	) I hereby certify that this correspondence is
Connie M. Smith	) being deposited with the United States
	) Postal Service with sufficient postage as
	) EXPRESS MAIL in an envelope addressed
Parent Application Data:	) to: Commissioner of Patents Alexandria, .
Application No.: 09/616,164	) VA 22313-1450 on this 29th day of
Filed: July 14, 2000	) September, 2003. The Express Mail Label
	) is EV342894546US.
Group Art Unit: 1617)
)
Examiner: San Ming R. Hui	) <u><i>Dorothy A. Hauser</i></u> September 29, 2003
	) Dorothy A. Hauser Date
)
)
USE OF 2-METHYLENE-19-sNOR-)
20(S)-1 α ,25-DIHYDROXYVITAMIN)
D ₃ TO INCREASE BONE STRENGTH)

NOTIFICATION OF THE FILING OF A DIVISIONAL APPLICATION

Mail Stop: Divisional Application
Commissioner of Patents
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application, of pending prior Application No. 09/616,164, filed July 14, 2000 of Hector F. DeLuca and Connie M. Smith for "Use of 2-Methylene-19-Nor-20(S)-1 α ,25-Dihydroxyvitamin D₃ to Increase Bone Strength".

1. I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified parent application, including the Oath or Declaration originally filed. No amendments referred to in the Declaration introduced new matter in the application.

2. The papers of the parent application, as filed, which are attached are as follows:

20 Pages of specification
5 Claims
1 Page of abstract
7 Sheets of drawings
3 Pages of declaration and power of attorney

Applicants: Hector F. DeLuca et al
Attorney Docket No.: 1256-00923

3. The filing fee is computed as indicated in the attached Fee Transmittal PTO Form SB/17.

4. A check in the amount of \$375.00 accompanies this application to cover the filing fee pursuant to 37 C.F.R. §1.16. Kindly charge any additional patent filing or processing fees in this divisional application under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 01.2000. An additional copy of this notification is enclosed.

5. The prior application is assigned of record to Wisconsin Alumni Research Foundation of Madison, Wisconsin, and the Assignment is effective to assign the present continuation application to Wisconsin Alumni Research Foundation. The assignment was recorded on October 6, 2000, at Reel 11234, Frame Nos. 644-648. A copy of the Notice of Recordation of Assignment Document is enclosed.

6. Address for Correspondence - Please address all correspondence to:

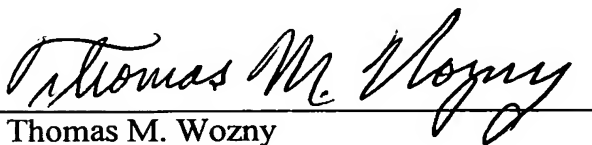
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 East Wisconsin Avenue, St. 1100
Milwaukee, Wisconsin 53202

Please address all telephone calls to:

Thomas M. Wozny
(414) 271-7590

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
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